

REMARKS

The present claims relate to cosmetics and an antibacterial composition.

Status of the claims

In the Office Action of April 5, 2007, claims 1, 4-6, 8-9, 15, and 18-19 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by Murad et al. (U.S. Patent No. 6,071,541) (hereinafter "Murad"). Claims 1-2, 6-9, 16, and 20 were rejected under 35 U.S.C. § 102, as allegedly being anticipated by Vollhardt (U.S. Patent No. 6,274,124). Claims 1, 3-4, 6, 8-9, 12, and 17-18 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by Soler et al. (U.S. Patent No. 6,113,926) (hereinafter "Soler"). In addition, claims 1 and 3 were rejected under 35 U.S.C. § 103 as allegedly being anticipated by Cannell et al. (U.S. Patent No. 6,861,077) (hereinafter "Cannell"). Further, claims 2-3, 7, 10-12, 16-17, and 20 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Murad in view of Vollhardt and Soler. Claims 2, 4, 6-12, 16-18, and 20 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Cannell in view of Vollhardt and Soler. Finally, claims 2, 7, 16, and 20 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Soler in view of Vollhardt.

Amendment summary

Upon entry of this Amendment, claims 1-20 will be pending.

Claims 1 and 9 are amended to recite that the anti-oxidant comprises jojoba leaf and/or an extract therefrom. Support for this amendment is found, e.g., in the first full paragraph of page 5 of the present specification.

Claims 6 and 16-19 are amended as a result of the amendment to claim 1. Support for this amendment is found, e.g., in the first full paragraph of page 5 of the present specification.

Claim 8 is amended to recite the presence of jojoba leaf or extracts therefrom. Support for this Amendment is found, e.g., in the third full paragraph of page 5 of the present specification.

Claims 11-20 are amended to make them grammatically proper.

No new matter is added, and Applicant respectfully submits that entry of this Amendment is proper.

Response to claim rejections

Applicant notes that claim 1 has been amended to recite that the anti-oxidant comprises jojoba leaf and/or an extract therefrom. Accordingly, claim 1 recites cosmetics containing

willowherb and/or an extract therefrom, and at least one selected from the group consisting of a humectant, a cell activator, an anti-inflammatory agent and an anti-oxidant, wherein the anti-oxidant comprises jojoba leaf and/or an extract therefrom.

Applicant respectfully submits that none of the cited references - Murad, Vollhardt, Cannell, or Soler - disclose or teach the presence of jojoba leaf and/or an extract therefrom. Therefore, Applicant respectfully submits that none of the cited references anticipate or render obvious the presently claimed invention.

Applicant furthermore directs the Examiner's attention to Table 3 at page 34 of the present specification, wherein it is clearly seen that compositions comprising willow herb (or an extract thereof) and jojoba (or an extract thereof) exhibit excellent antibacterial activity.

Applicant respectfully submits that withdrawal of all of the rejections based on prior art set forth in the Office Action of April 5, 2007 is proper.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby earnestly solicited. If any points remain in issue

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/524,543

Attorney Docket No.: Q86208

which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local Washington, D.C., telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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Date: September 4, 2007